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Deputy Executive

## OGC Has Reviewed

24 January 1950

Legal Staff

Use of Taxicabs.

1. It was recently proposed to issue a new regulation covering the use of taxicabs either in the form of a directive, instruction, or modification of the Confidential Funds Regulations. The original draft covered requirements for submission of claims in general, and then indicated specific situations in which taxicabs might be used, where an element of security was present and those in which the use was based largely on expediency.

2. In a recent conversation with the writer, you indicated that where a security factor was present the use of taxicabs would be covered by a change in the Confidential Funds Regulations. However, you considered it advisable to obtain an opinion from the Comptroller General regarding the use of taxicabs where expediency was the prime consideration. The questions involved related to the use of taxis for:

a. Travel for urgent fixed appointments;

b. Transportation of unusually bulky documents, or delicate or cumbersome equipment, regardless of the security classification, provided the need was immediate;

c. Transportation of employees in the company of collaborating individuals for whom general public transportation would be inappropriate because of personal prestige or aims of representation.

3. After further review of the opinions of the Comptroller General, both published and unpublished, the Fiscal Office concurs in my belief that the Comptroller has already established his acceptance of claims for the use of taxicabs in the first two categories indicated above.

4. The basic provision applicable to the use of taxicabs whether or not the employee is in a travel status, is contained in paragraph 11 of the Standardized Government Travel Regulations and provides that transportation "will be allowed only when no public or regular means of transportation are available or when such regular means of transportation cannot be used advantageously in the interest of the Government, in which case a satisfactory explanation must accompany the account" (Our emphasis). In referring to paragraph 8 (a) of the Standardized Government Travel Regulations, which in turn refers to paragraph 11 above cited, the Comptroller (See opinion of 26 Comp. Gen. 797) stated that the paragraph "dispenses with the necessity of showing

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that the interest of the Government required the use of a taxicab rather than a cheaper means of transportation under the conditions specified, but neither that paragraph nor any other provision of law or regulation of which I am aware, purports to authorize the use of taxicabs generally. While the saving of time is one of the factors which may be taken into consideration in determining whether the use of taxicabs is in the interest of the Government, it cannot be presumed that in every instance the Government necessarily benefits by saving of time or that its interest would not as well be served by the use of slower or cheaper means of transportation." In regard to the general use of taxicabs he states that "in the absence of some statute or regulation to the contrary, the general rule necessarily is that transportation must be by the most economical means usually used by the public generally unless it clearly is shown that some other means of transportation was used primarily in the interest of the Government." A broader general administrative determination authorizing the use of taxicabs by a particular employee or class of employees as a necessity at all times cannot be accepted as proof that other cheaper means of transportation used by the public generally cannot be used advantageously in the interest of the Government. (See 23 Comp. Gen. 310).

5. In the light of the above cited opinions, as well as others, the Comptroller has indicated a strong reluctance to approve specific criteria for the use of taxicabs. While special situations might be indicated in which the use of taxis could be justified, they would be no more than guides, and should be subject to the general condition that the "regular means of transportation cannot be used advantageously in the interest of the Government." This would seem to cover the two situations indicated above in categories a. and b. in paragraph 2. Actual expedience would justify their use.

6. The remaining provision regarding the use of taxicabs purely for purposes of representation has not been considered by the Comptroller General, and it would probably be very difficult to satisfy the Comptroller that it was necessary as an advantageous use in the interest of the Government. We believe submission of the question is probably unnecessary from a practical standpoint. If a security factor is present, the use is already justified by the change in the Confidential Funds Regulations. If there is no security factor, it would appear that purposes of representation could be satisfied by use of a motor-pool car when the person was accompanied by an employee of the Agency. By the same token, if a car from the motor-pool is not available within a reasonable time and urgency is present, then we believe the use, when the person is accompanied by a CIA employee, is already justified under the opinions of the Comptroller General indicated above. However, if you still believe it would be preferable to submit the question purely on the basis of representation, I shall be pleased to prepare the necessary letter to GAO.

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CC: Subject  
Chrono

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